



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/006,236

12/10/2001

Michael L. Palmer

4232.124US1

9952

24510

7590

05/27/2009

DLA PIPER LLP (US)

ATTN: PATENT GROUP

500 8th Street, NW

WASHINGTON, DC 20004-2131

EXAMINER

ENGLAND, DAVID E

ART UNIT

PAPER NUMBER

2443

MAIL DATE

DELIVERY MODE

05/27/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/006,236

Applicant(s)

PALMER, MICHAEL L.

Examiner

DAVID E. ENGLAND

Art Unit

2443

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 54 - 82 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 54 - 82 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 54 – 82 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 54 – 65, 67, 69 – 80 and 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al. U.S. Pat. No. 6415307 (hereinafter Jones) in view of Hassett et al., (6807558 hereinafter Hassett).**

4. Referencing claim 54, as closely interpreted by the Examiner, Jones teaches a method for dynamically updating a content list at an end user location, said method comprising the steps of:

5. receiving a content list from a feed station at a field station, (e.g., Figure 1, column 5, line 26 – col. 6, line 50);

6. transmitting a copy of the content list from the field station to an end user station, (e.g., Figure 1, column 5, line 26 – col. 6, line 50);

7. receiving a revision message from the feed station at the field station, the message comprising at least one revision to the content list, (e.g., col. 2, line 43 – col. 3, line 5 & col. 14, lines 39 – 61);

8. implementing the revision message to the content list at the field station, (e.g., col. 2, line 43 – col. 3, line 5 & col. 14, lines 39 – 61); and
9. transmitting the revision to the end user station for revision of the content list at the end user station, (e.g., col. 2, line 43 – col. 3, line 5 & col. 14, lines 39 – 61);
10. wherein the content list comprises a plurality of stories, and an ordered list of stories wherein each story comprises at least text element, metadata, and zero or more references to a media object, (e.g., col. 6, lines 20 – 50);
11. wherein the list of stories determines a sequence in which the stories will be displayed to the user at the end user station, (e.g., col. 6, lines 20 – 50 & col. 10, line 42 – col. 11, line 5 & col. 13, lines 41 – 53); and
12. wherein at least one portion of the content list present prior to implementation of the revision remains in the content list after implementation of the revision, (e.g., col. 6, lines 20 – 50 & col. 10, line 42 – col. 11, line 5 & col. 13, lines 41 – 53, The limitation of “implementation” is broad and there is no specific claim language as to How the message is implemented. Furthermore, the interpretation that is taken is the new list could still have information that was previously stated in the first content list and therefore would still be stated in the “revised list” once it is “implemented”.), but does not specifically teach wherein the revision message includes less than the entire content of all stories in the content list after the revision is implemented. Hassett teaches wherein the revision message includes less than the entire content of all stories in the content list after the revision is implemented, (e.g., col. 9, line 43 - col. 10, line 6 & col. 16, lines 24 - 67, Hassett teaches updating the news that is important to the user and sending the updated information to the user for displaying.). It would have been

obvious to one of ordinary skill in the art at the time the invention was made to combine Hassett with Jones because sending only the information that is updated allows the system to save bandwidth and send information faster as opposed to resending old information.

13. As per claim 55, as closely interpreted by the Examiner, Jones teaches the revision comprises a change in an order of the stories in the content list, (e.g., col. 6, lines 20 – 50 & col. 10, line 42 – col. 11, line 5 & col. 13, lines 41 – 53).

14. As per claim 56, as closely interpreted by the Examiner, Jones teaches the revision comprises an addition of a new story to the content list, (e.g., col. 2, lines 42 – 67 & col. 6, lines 20 – 50 & col. 10, line 42 – col. 11, line 5 & col. 13, lines 41 – 53).

15. As per claim 57, as closely interpreted by the Examiner, Jones teaches the revision comprises a deletion of a story from the content list, (e.g., col. 14, lines 39 – 61, a new search using different keywords could result in a completely different list of content which would not show the previous content list which could be interpreted as deletion of stories on the content list).

16. As per claim 58, as closely interpreted by the Examiner, Jones teaches the revision comprises the addition of a text element or a media object to a story in the content list, (e.g., col. 6, lines 20 – 50 & col. 10, line 42 – col. 11, line 5).

17. As per claim 59, as closely interpreted by the Examiner, Jones teaches the revision comprises the deletion of a text element or a media object to a story in the content list, (e.g., col. 6, lines 20 – 50 & col. 10, line 42 – col. 11, line 5).

18. As per claim 60, as closely interpreted by the Examiner, Jones teaches the revision comprises a modification of a text element or a media object associated with a story in the content list, (e.g., col. 6, lines 20 – 50 & col. 10, line 42 – col. 11, line 5).

19. As per claim 61, as closely interpreted by the Examiner, Jones teaches the content list comprises a reference to media objects and further comprising the steps of resolving the reference to the media object by obtaining the media object from a media and object server, wherein the media object includes one or more versions of associated media objects, (e.g., col. 6, lines 20 – 50 & col. 10, line 42 – col. 11, line 5).

20. As per claim 62, as closely interpreted by the Examiner, Jones teaches metadata comprises at least one of text, XML markup, and binary information, (e.g., col. 6, lines 20 – 50 & col. 10, line 42 – col. 11, line 5).

21. As per claim 63, as closely interpreted by the Examiner, Jones teaches the message is received after the content list is transmitted to the end user station information, (e.g., col. 2, line 56 – col. 3, line 41 & col. 6, lines 20 – 50 & col. 10, line 42 – col. 11, line 5, this limitation is interpreted as the steps in updating the content list).

22. As per claim 64, as closely interpreted by the Examiner, Jones teaches a plurality of messages are received at the field station and transmitted to the end user station, each of the messages including a revision to the same content list, (e.g., col. 2, line 56 – col. 3, line 41 & col. 6, lines 20 – 50 & col. 10, line 42 – col. 11, line 5, this limitation can be accomplished by doing a “keywords” search multiple times).

23. As per claim 65, as closely interpreted by the Examiner, Jones teaches the steps of selecting stories from the content list for transmission to the end user station from among a plurality of stories in the content list received from the feed station, (e.g., col. 2, line 56 – col. 3, line 41 & col. 6, lines 20 – 50 & col. 10, line 42 – col. 11, line 5).

24. As per claim 67, as closely interpreted by the Examiner, Jones teaches the step of selecting stories from the content list for transmission to the end user station from among a plurality of stories in the content list received from the feed station, (e.g., col. 2, line 56 – col. 3, line 41 & col. 6, lines 20 – 50 & col. 10, line 42 – col. 11, line 5).

25. Claims 69 – 80 and 82 are rejected for similar reasons as stated above.

26. Claims 66, 68 and 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones and Hassett in further view of Hanson et al. (6463461) (hereinafter Hanson).

27. As per claim 66, as closely interpreted by the Examiner, Jones and Hassett do not specifically teach the stories for transmission to the end user station are selected on the basis of content of the story and identity of an audience associated with the end user station. Hanson teaches the stories for transmission to the end user station are selected on the basis of content of the story and identity of an audience associated with the end user station, (e.g., Abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Hanson with the combine inventions of Jones and Hassett because it would be more efficient for a system to tailor to the specific needs of a group that subscribes to a specific section of the news, for example Sports, and to filter out any unwanted information that the group does not wish to view, for example Business.

28. Claims 68 and 81 are rejected for similar reasons as stated above.

Response to Arguments

29. Applicant's arguments with respect to claims 54 – 82 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

30. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID E. ENGLAND whose telephone number is (571)272-3912. The examiner can normally be reached on Mon-Thur, 7:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia Dollinger can be reached on 571-272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

David E. England
Primary Examiner
Art Unit 2443

/David E. England/
Primary Examiner, Art Unit 2443